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10/728,414	12/05/2003	In-Teak Lim	22461.US	9768

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EXAMINER

PAYNE, SHARON E

ART UNIT PAPER NUMBER

2875

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/728,414

Applicant(s)

LIM, IN-TEAK

Examiner

Sharon E. Payne

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-6, 8 and 10 is/are rejected.
- 7) ☒ Claim(s) 3, 7 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 0204.
- 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In this case the abstract is over 150 words.

2. The claims are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

3. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

### *Claim Objections*

4. Claims 1-10 are objected to because of the following informalities:

1) the word "etc." should not be used in line 8 of claim 1;

- 2) the word "read" should be "rear" in line 1 of claim 3;
- 3) the phrase "is hanged" should be "is hanging" in line 3 of claim 4;
- 4) the phrase "or etc." should be deleted from line 3 of claim 4;
- 5) the word "conductible" should be "conductive" in line 3 of claim 9;
- 6) the phrase "a electric" should be "an electric" in line 4 of claim 1; and
- 7) the phrase "a outer" should be "an outer" in line 5 of claim 8.

5. Claims 2, 5-7 and 10 are necessarily included due to their dependency. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kang (U.S. Patent 5,413,223).

Regarding claim 1, Kang discloses a flashlight body (reference number 20) and a holder supporting the body (Fig. 1) in which the body includes a receiving section storing small batteries therein (portion inside of grooves, Fig. 1), an electric lighting section equipped at the upper side of the receiving section (Fig. 1, top of flashlight) and a lower covering section equipped at the lower side of the receiving section (Fig. 1, bottom of flashlight), the holder includes a holder body section (Fig. 1, bottom) fixed to such a structure as a wall (column 1, lines 14-16), a support section (reference number 7) extending from the holder body section and

supporting the flashlight body (Figs. 1 and 2) , a protecting section (reference number 7) horizontally extending from the holder body section and covering the electric lighting section of the flashlight body (Figs. 1 and 2), and a cap (reference number 15) pivotally supported by opposite ends of the support section through a hinge shaft (reference number 11) and on the receiving section included in the flashlight body a transversely lengthy through slot (Figs. 3 and 4) is formed, and on the support section of the holder a partition plate (reference number 2) is placed and extended in a location corresponding to the through slot (Fig. 3) so that the partition plate is inserted into the receiving section (Fig. 3) and interposed between the batteries interrupting electrical contact between the batteries when the flashlight body is fitted in the holder (column 2, lines 50-56).

Concerning claim 6, Kang discloses an inner space of the holder body section receiving the same spare batteries as batteries charged within the flashlight body (abstract).

Regarding claim 8, Kang discloses the support section of the holder including a pair of projections on each of left and right sides (opposite sides of reference number 4) and the receiving section of the flashlight body including a pair of concave portions (two portions inside the projections of reference number 4) having such a shape and size that they are fitted with the pair of projections on an outer periphery surface, respectively, in order to dismountably fit the flashlight body and the holder to each other by elastic force between the pair of projections and the pair of concave portions (Fig. 1).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject

matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kang in view of Yamabe (U.S. Patent 5,952,916).

Regarding claim 2, Kang does not disclose a glass cutting edge or a hammer piece. Yamabe discloses a glass cutting edge (reference number 7) attached to one side of the flashlight body, and a hammer piece (reference number 7) attached to the other side of the flashlight body (Fig. 1). (The projections, reference number 7, can be used to cut glass or as a hammer.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Yamabe in the apparatus of Kang to enable one to break glass with the flashlight to free someone from a sinking car.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kang in view of Jones (U.S. Patent 1,591,980).

Regarding claim 4, Kang does not disclose a ring member. Jones discloses in a lower end of the lower covering section a ring member (reference number 18) pivotally supported by a hinge shaft (Figs. 2 and 3) which is formed so that the flashlight body can be hung on a wall-fixed peg or a clothes hanger after the flashlight body is taken out of the holder (Fig. 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the ring of Jones in the apparatus of Kang to enable one to hang the flashlight by itself when it is taken out of the holder. See Fig. 3 of Jones.

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kang in view of Chien (U.S. Patent 6,179,431).

Regarding claim 5, Kang does not disclose a luminous layer on the flashlight. Chien discloses a luminous layer (reference number 5) adhered on a front center portion of the receiving section in order to emit light by itself in the dark for hours (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the luminous layer of Chien in the apparatus of Kang so that the flashlight may be used as a light stick. See the abstract of Chien.

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kang in view of Cranford et al. (U.S. Patent 5,629,679).

Regarding claim 10, Kang does not disclose a speaker. Cranford et al. discloses the flashlight body having a speaker (reference number 21). The portion of the claim starting with "for sounding" and continuing to the end of the claim is considered to be functional language that is not given patentable weight. See M.P.E.P. 2114.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the speaker of Cranford et al. in the apparatus of Kang to "attract attention and/or to discourage an attacker." See the abstract of Cranford.

#### ***Allowable Subject Matter***

13. Claims 3, 7 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. The following is a statement of reasons for the indication of allowable subject matter. The prior art fails to disclose a flashlight with a holder having the following features:

1) the cap having such a shape and size that the cap generally covers and protects the flashlight body as recited in claim 3;

2) a plurality of grooves formed on the surface of the cap in order that the cap is broken easily and a perforate hole formed in a lower end of the cap and a lower end of the support section respectively, in order for a locking means to be mounted thereto as recited in claim 7; and

3) the lower end of the cap and the lower end of the support section being abutted and locked to each other and made of a conductive material and a circuit being formed on their surface in order to sound an alarm when they are separated from each other as recited in claim 9.

### ***Conclusion***

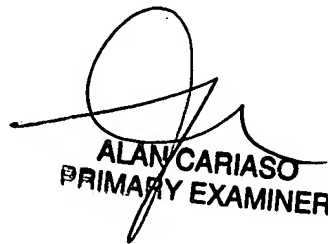
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sep



ALAN CARIASO  
PRIMARY EXAMINER